

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 1070P3821					
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>February 25, 2010</u> Signature <u>/Spencer A. Bartl/</u> Typed or printed name <u>Spencer A. Bartl</u>	Application Number 10/616,091		Filed July 8, 2003				
	First Named Inventor Mark Davis						
	Art Unit 2173	Examiner Zhou, Ting					
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top; padding-bottom: 10px;"><input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. 40,040 Registration number _____</td><td style="width: 50%; vertical-align: top; padding-bottom: 10px; text-align: center;"><u>/John F. Kacvinsky/</u> Signature <u>John F. Kacvinsky</u> Typed or printed name <u>724-933-9338</u> Telephone number <u>February 25, 2010</u> Date</td></tr><tr><td style="vertical-align: top;"><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td></td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. 40,040 Registration number _____	<u>/John F. Kacvinsky/</u> Signature <u>John F. Kacvinsky</u> Typed or printed name <u>724-933-9338</u> Telephone number <u>February 25, 2010</u> Date	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	
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<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.							

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Mark Davis	Examiner:	Zhou, Ting
Serial No.:	10/616,091	Group Art Unit:	2173
Filed:	July 8, 2003	Docket No.:	1070.P3821
Title:	DATA BROWSING METHOD AND SYSTEM FOR USER INTERFACE		

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants have carefully reviewed and considered the Final Office Action mailed on November 25, 2009 and the cited references. In response to the Final Office Action, Applicants respectfully request review prior to the filing of an Appeal Brief.

Claim Rejections – §103(a)

Claims 6-7, 9-10, 16-17, 19-20, 27-31 and 37-41 are pending in the present application.

Claims 6-7, 9-10, 16-17, 19-20, 27-31 and 37-41 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dyszel “Handspring Visor for Dummies” (hereinafter “Dyszel”), Microsoft® Windows Version 5.1, copyright 2001 (hereinafter “Windows”), and United States Patent No. 6,009,338 to Iwata et al. (hereinafter “Iwata”).

Applicants respectfully traverse these rejections.

REMARKS

Applicant submits that the cited references, taken alone or in combination, fail to teach each and every element recited in claims 6-7, 9-10, 16-17, 19-20, 27-31 and 37-41 and thus they define over the cited references.

For example, independent Claim 6 recites:

6. (Previously Presented) A method of displaying calendar information comprising: displaying a weekly view graphical image on a display screen, said display screen is switchable between a small display mode which is substantially square in shape and a tall display mode which is substantially rectangular in shape using a sliding mechanism, wherein said weekly view graphical image comprises days of the week and appointment icons therein;

visually highlighting appointment icons in response to user navigation input;

in response to a user selection of a first highlighted appointment icon, automatically displaying a preview window comprising details of said first highlighted appointment icon on said display screen, wherein said preview window is displayed simultaneously with said weekly view graphical image which remains user accessible while said preview window is open; and removing said preview window in response to a user selection outside of said preview window while said preview window is open; and

removing said preview window in response to a user selection outside of said preview window while said preview window is open.

Applicant respectfully submits that claim 1 defines over the cited references because the cited references fail to disclose, teach, or suggest at least the display screen being “switchable between a small display mode which is substantially square in shape and a tall display mode which is substantially rectangular in shape.” As set forth at page 2 of the Office Action mailed November 25, 2009 (“Office Action”), the quoted language is disclosed by Iwata, specifically stating that “as shown in Figure 1-2 and 32-33, the display screen is switched from a small display screen to a big display screen by sliding a mechanism on a mobile terminal,” then citing column 5, lines 56-59 and column 12, lines 54-60 for text descriptions of those figures.

However, Applicant respectfully submits that neither the cited language nor the cited figures disclose, teach, or suggest a small display mode which is substantially square in shape. As to the cited language, neither portion of text makes any reference to the shape of the display area. For example, column 5, lines 56-59 of Iwata discloses “a display switch for changing a size of the display area,” but does not disclose any information about the shape of the display area. Similarly, column 12, lines 54-60 of Iwata discloses a cover that can close to leave only a portion exposed, but does not disclose any information about the shape of the exposed portion. Further, Applicant respectfully submits that examining the cited figures of Iwata does not reveal a small display mode that is “substantially square in shape.” For example, in Figure 1 of Iwata, the visible portion of the screen is indicated by label 20. Measuring the rectangle indicated by label 20 shows it to be 2.2 inches wide and .95 inches tall, approximately a 2.3:1 proportion. Continuing, in Figure 32 of Iwata, the visible portion of the screen is indicated by label 204. Measuring the rectangle indicated by label 204 shows it to be 1.8 inches wide and 1.1 inches tall, approximately a 1.6:1 proportion, the screen more than half again as wide as it is tall. In contrast, a perfect square has sides of equal length, and therefore 1:1 proportions. As such, Applicant respectfully submits that a screen in which the width and height vary by this degree cannot read on a display mode which is “substantially square in shape.” Consequently, the cited references, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 1.

Absence from the cited references of the above-mentioned claim elements negates obviousness. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claim 6. Furthermore, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 7, 9, and 10, which depend from claim 6, and

REQUEST FOR RECONSIDERATION

Serial Number: 10/616,091

Filing Date: 07/08/2003

Title: DATA BROWSING METHOD AND SYSTEM FOR USER INTERFACE

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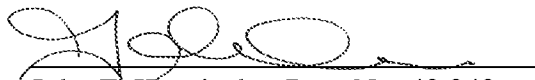
Dkt: 1070.P3821

therefore contain additional features that further distinguish these claims from the cited references.

Independent claims 16, 27, and 37 recite elements similar to those recited in claim 1. Therefore, Applicant respectfully submits that claims 16, 27, and 37 are not obvious and are patentable over the cited references for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claims 16, 27, and 37. Furthermore, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 17, 19, 20, 28-31, and 38-41 that depend from claims 16, 27, and 37, and therefore contain additional features that further distinguish these claims from the cited references.

Respectfully submitted,

KACVINSKY LLC


John E. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

Dated: February 25, 2010

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